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1647

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David WALLACH et al

Appln. No.: 08/981,559

Filed: April 13, 1998

For: TNF MODULATION

ATTY.'S DOCKET: WALLACH=20

Conf. No.: 8216

Art Unit: 1647

Examiner: D. Romeo

Washington, D.C.

April 20, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated November 20, 2003, of the Primary Examiner. The claims appealed are claims 29 and 36.

The item(s) checked below are appropriate:

       Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$330.00

       \$165.00 (small entity)

       Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within

☐ First - \$ 55.00

☐ Second - \$210.00

☐ Third - \$475.00

☐ Fourth - \$740.00

month after time period set

Other Than Small Entity  
Response Filed Within

☐ First - \$ 110.00

☒ Second - \$ 420.00

☐ Third - \$ 950.00

☐ Fourth - \$1480.00

month after time period set

☐ Less fees (\$ \_\_\_\_\_) already paid for \_\_ months extension of time on \_\_\_\_.

       A check in the amount of \$ \_\_\_\_\_ is attached. (Check No. \_\_\_\_\_)

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 750.00

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

04/21/2004 JBALINAN 00000055 08981559

01 FC:1252  
02 FC:1401

420.00 OP  
330.00 OP

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
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